

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Criminal No. 04-10162-DPW
)	
CHARLES GUIDA,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

Woodlock, D.J.:

WHEREAS, on or about May 25, 2004, a One-Count Information was filed with the Court charging Charles A. Guida ("the Defendant") with Possession of Child Pornography, in violation of 18 U.S.C. §2252A(a)(4)(B);

AND WHEREAS, the Information also included a Criminal Forfeiture allegation, pursuant to 18 U.S.C. §2253(a), which alleged that certain property of the Defendant is subject to forfeiture to the United States pursuant to 18 U.S.C. §2252(a), as property constituting, any and all matter which contains visual depictions produced, transported, shipped or received in violation of 18 U.S.C. §§2252 and/or 2252A, any property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the charged violation, and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforesaid violation. Such property included, but was not limited to:

One Sony Computer PCV-RX650 CPU, seized

from the Defendant's residence on October 27, 2003 (the "Computer Equipment");

AND WHEREAS, on or about June 1, 2004, the Defendant entered a plea of guilty to Count One of the Information, pursuant to a written plea agreement, whereby the Defendant agreed that he would forfeit the Computer Equipment to the United States, and this Court accepted this plea;

AND WHEREAS, on or about August 25, 2004, the United States filed a Motion for a Preliminary Order of Forfeiture, seeking forfeiture of the Computer Equipment, and on September 7, 2004 this Court entered an Electronic Order granting the Motion for a Preliminary Order of Forfeiture.

AND WHEREAS, on or about September 7, 2004, this Court sentenced the Defendant to 27 months' imprisonment, 36 months' supervised release, and ordered the Defendant to forfeit the Computer Equipment to the United States, pursuant to the Preliminary Order of Forfeiture, and the forfeiture was also included in the written Judgment.

AND WHEREAS, on or about September 14, 2004, the Defendant filed a Notice of Appeal from the final judgment imposed on September 7, 2004.

AND WHEREAS, on or about March 24, 2005, the First Circuit Court of Appeals affirmed the Defendant's conviction, but vacated his sentence, and remanded the case for re-sentencing in light of United States v. Booker, 125 S. Ct. 738 (2005);

AND WHEREAS, on or about March 25, 2005, this Court endorsed an Amended Judgment re-sentencing the Defendant to 18 months' imprisonment, and 36 months' supervised release, and ordered the Defendant to forfeit the Computer Equipment to the United States, pursuant to the Preliminary Order of Forfeiture.;

AND WHEREAS, pursuant to the Preliminary Order of Forfeiture on or about October 13, 2005, October 20, 2005, and October 27, 2005, a Notice of Order of Forfeiture was published in the Boston Herald Newspaper. Pursuant to 18 U.S.C. §2253(m), the Defendant was noticed by certified mail on October 11, 2005, and Charles P. McGinty, Esq., as counsel, was noticed by certified mail on October 10, 2005;

AND WHEREAS, to date, no claims of interest in the Computer Equipment have been filed with the Court and the time within which to do so expired on November 28, 2005;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Computer Equipment, and it is hereby forfeited to the United States of America pursuant to the provisions of 18 U.S.C. §2253(a).
3. Any parties, having any right, title, or interest in the

Computer Equipment, are hereby held in default.

4. The United States Marshal Service, is hereby authorized to dispose of the Computer Equipment in accordance with applicable law.
5. DONE AND ORDERED in Boston, Massachusetts, this _____ day of _____, 2005.

Douglas P. Woodlock
UNITED STATES DISTRICT JUDGE

Dated: